

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:15-CR-275
)	
Plaintiff,)	JUDGE DAN AARON POLSTER
)	
v.)	
)	
JOHN CLEMENTS,)	<u>MOTION TO MODIFY</u>
)	<u>CONDITIONS OF RELEASE</u>
)	
Defendant.)	

NOW, comes the Defendant, John Clements, by and through his counsel, Ian N. Friedman, and makes the within Motion to Modify the Conditions of pretrial release and, in support thereof, avers as follows:

1. An Indictment was filed against Mr. Clements on July 21, 2015 charging him with one (1) count of receiving and distributing child pornography in violation of 18 U.S.C. § 2252A(2)(a), as well as one (1) count of possessing child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B). (Doc. No. 1).

2. Mr. Clements appeared with undersigned counsel for an arraignment on August 12, 2015. He entered a plea of “not guilty” to each of the offenses. He voluntarily surrendered his passport at that time and was released on a \$25,000.00 unsecured bond. He was also placed on Supervised Release with certain conditions attendant thereto. (Doc. No. 8).

3. One of the conditions of Mr. Clements’ release is that he is subject to a curfew that requires him to be at his residence during the hours of 8:00 p.m. until 7:00 a.m. each day. (Doc. No. 8). Furthermore, Mr. Clements is prohibited from being within 1,000 feet of certain

locations where individuals under the age of eighteen (18) congregate without prior approval of the United States Pretrial Services Office. (Doc. No. 8).

4. Mr. Clements respectfully requests that his conditions of release be modified by extending his curfew to 10:00 p.m. on December 24, 2016 so that he can attend Christmas Eve church services. This church service will take place at Saint Nicholas Church, 9650 Johnnycake Ridge Road, Mentor, Ohio 44060.

5. Mr. Clements is also requesting that the conditions of his Supervision be modified so as to permit him to attend a family gathering on December 31, 2016 at the Kucmanic's residence, which is located at 1740 Harding Drive, Wickliffe, Ohio 44092. It is respectfully submitted that Dave and Maria Kucmanic are Mr. Clements' brother-in-law and sister. Mr. Clements anticipates arriving at said residence at approximately 7:00 p.m. on December 31, 2016 and will remain at that location until January 1, 2017. Mr. Clements intends to return to his residence on January 1st by 3:00 a.m.

6. Counsel submits that Mr. Clements will be accompanied by family members and/or other adults at all times during this event. All of these individuals are aware of his pending criminal case.

7. Mr. Clements is thirty-three (33) years old and has no criminal history apart from the instant allegations. He has lived with his parents in Willoughby, Ohio, throughout the pendency of this case.

8. Mr. Clements has appeared at all required Court proceedings and has abided by all terms and conditions of his pretrial release without issue. He has maintained routine contact with both the undersigned and the Pretrial Services' Office. Furthermore, there have not been any

allegations concerning illegal behavior, including any violations of his pretrial supervision. In total, there is no reason to believe that he poses a danger to the community or a risk of absconding should this Honorable Court grant the limited modifications herein requested.

9. Mr. Clements therefore respectfully requests that this Honorable Court modify its Order of August 12, 2015, (Doc. No. 8), pursuant to its authority to set conditions of pretrial release under 18 U.S.C. § 3142, and extend his curfew on the dates and times heretofore discussed.

WHEREFORE, the Defendant, John Clements, hereby respectfully requests that this Honorable Court modify the conditions of pretrial supervision

Respectfully submitted,

Dated: December 21, 2016

/S/ Ian N. Friedman
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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of December, 2016, I caused to be electronically filed the foregoing with the Clerk of Courts by using the CM/ECF system, which will send a notice of electronic filing to all parties indicated on the electronic filing receipt.

/S/ Ian N. Friedman _____
IAN N. FRIEDMAN
Counsel for Defendant